

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

BANAE UNDERWOOD,

PLAINTIFF,

VS.

CIV. ACT. NO.

MARATHON STAFFING, INC.

DEFENDANT

JURY TRIAL DEMANDED

EXHIBIT A

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

AGENCY

CHARGE NUMBER

FEPA

X EEOC

420-2017-00257

and EEOC

State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)

Banae Underwood

HOME TELEPHONE (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

DATE OF BIRTH

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

Marathon Staffing

NUMBER OF EMPLOYEES, MEMBERS

Over 15

TELEPHONE (Include Area Code)

(205) 854-0026

STREET ADDRESS

CITY, STATE AND ZIP

1551 Sterilite Drive, Birmingham, AL 35215

COUNTY

Jefferson

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

RACE COLOR SEX HARASSMENT

RELIGION NATIONAL ORIGIN RETALIATION

AGE XX DISABILITY

OTHER (Specify)

DATE FIRST or CONTINUING DISCRIMINATION TOOK PLACE
AND DATE LAST DISCRIMINATION TOOK PLACE (Month/Day/Year):

FIRST:

LAST: September 2016 - ongoing

RECEIVED

OCT 27 2016

U.S. EEOC

**THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s):
Please see following page for particulars, attached hereto and made a part hereof.**

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - (When necessary for State and Local Requirements)

Notary signature

I declare under penalty of perjury that the foregoing is true and correct.

Banae Underwood

BANAE UNDERWOOD

Charging Party (Signature)

Date: 10/19/16

SIGNATURE OF COMPLAINANT

**SUBSCRIBED AND SWORN TO BEFORE
ME THIS DATE (Day, month, and year)**

Date: _____

EEOC Charge of **BANAE UNDERWOOD**

1. I am a disabled person with a diagnosis of mental illness.
2. I commenced employment with Custom Staffing in March 2016.
3. Custom Staffing assigned me to work at the Birmingham Jefferson Civic Center and I provided set-up services for convention halls and other events.
4. During my employment with Custom Staffing, Marathon Staffing took over the staffing contract and hired me and several other of the Custom Staffing employees to work for Marathon Staffing.
5. Marathon Staffing assigned me to work the exact same job duties.
6. Chandrell Gibson was my supervisor when worked at the Birmingham Jefferson Civic Center for Custom Staffing, and she remained my supervisor when I commenced employment with Marathon Staffing.
7. On July 11, 2016, Marathon Staffing commenced its contract with BJCC.
8. On July 11, 2016, I suffered an on-the-job back injury.
9. I reported the on-the-job back injury to Chandrell Gibson. Immediately, Gibson reported my back injury to Marathon Staffing, and specifically to Marathon Staffing's Manager, Rhonda (LNU).
10. Rhonda (LNU) transported me to a workers' compensation doctor.
11. Marathon Staffing's workers' compensation carrier awarded me total temporary disability benefits. I collected those benefits until I was released to return to work.
12. At the conclusion of my workers' compensation release, I contacted Rhonda at Marathon Staffing on a weekly basis to request to be returned to my job duties.
13. Rhonda (LNU) repeatedly told me there was no available work and that she would call me when positions were opened and available.
14. Marathon Staffing is a staffing company that has numerous job openings and turn over at various times.
15. I believe I have been discriminated against because of my disability, mental illness, and my perceived disability of having a back injury that resulted in a worker's compensation claim, in violation of the Amended Americans with Disabilities Act of 2008 and also discharged for filing a workers' compensation claim.

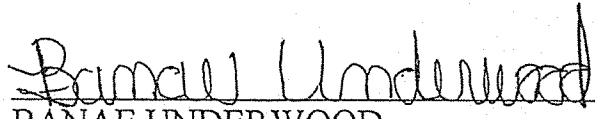
I declare under penalty of perjury that the foregoing is true and correct.

01/19/16
Date

Banae Underwood
BANAE UNDERWOOD

AUTHORIZATION

I, Banae Undersood, authorize the disclosure of my charge of discrimination filed with the Equal Employment Opportunity Commission to the person at Marathon Staffing, at the address of 1551 Sterilite Drive, Birmingham, AL 35215.


BANA E UNDERWOOD

